IN THE HIGH COURT OF BOMBAY AT GOA

SECOND APPEAL NO. 11 OF 2005

SHRI BOMBI Y.SHETKAR AND ANR., ...Appellants

Versus

SHRI LADU P.GAONKAR AND 31 ORS., ...Respondents

Shri Devanand Shetkar, Advocate for the appellants.

Coram:- R. M. LODHA, J.

Date:- 21st September, 2005

P.C.

Heard Mr. D. Shetkar, the learned Counsel for the appellants. I perused the Judgment of the trial Court passed on 27/06/2003 as well as the Judgment of the appeal Court dated 30.10.2004.

The trial Court recorded the finding that the plaintiffs had been able to prove that the suit property was registered in the name of Bicaro Puno Gaonkar (grand father of the plaintiffs No.1 and 3 and grand father-in-law of the plaintiffs No.4, 5 and 9) and that the plaintiffs have been in peaceful, uninterrupted possession and enjoyment of the subject-property eversince the time of their ancestors. The trial Court also recorded the finding that the defendants No.1, 2, 3 and 25 unauthorisedly entered into the suit property in the last week of February, 1985 and cultivated a small portion of the subject-property. The defendants' case that they were in continous, peaceful and open possession was not believed by the learned trial Court. The trial Court, accordingly, decreed the plaintiffs' suit and directed the defendants No.1, 2, 3 and 25 to hand over the possession of the subject-property to the plaintiffs.

The appeal Court maintained the findings of the trial Court and dismissed the appeal.

Though the learned Counsel for the appellants contended that the Courts below failed to consider the material evidence, nothing specific was shown by the learned Counsel. The findings recorded by the Courts below are concluded on facts and do not give rise to any substantial question of law.

The second appeal is, accordingly, dismissed in limine.

R. M. LODHA, J.

ssm.